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MARSHALL, GERSTEIN & BORUN LLP 233 S. WACKER DRIVE, SUITE 6300 SEARS TOWER CHICAGO, IL 60606			THAI, CANG G	
			ART UNIT	PAPER NUMBER
			3629	

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Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Response to Amendment

This is in response to an amendment filed on 11/02/2005 for letter for patent filed on 06/20/2001. Claims 1-22 are pending in the letter.

Status of Claims

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,549,295 (FANTONE ET AL) in view of Official Notice.

As for claim 1, FANTONE discloses a method of producing a lenticular novelty item interactively via the Internet, the method comprising the steps of:

a) transmitting a plurality of graphic images indicative of a plurality of predetermined theme choices from a server to a client device via the Internet {See Fig. 5, Element 178 and See Column 9, Lines 21-23, wherein this reads over "178) Default Or Select And Add Any Preprogrammed Fillers (Backgrounds, Stock, Corporate Logos, Text--FIG. 10 again)"}; (Also: Note theme is equivalent 2 (Theme in the Webster's II dictionary defined as "an idea, point of view, or perception embodied and expanded upon in the work of art.")

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b) receiving a theme identifier at the server from the client device via the Internet, the theme identifier identifying one of the plurality of predetermined theme choices, the identified theme including a foreground image and a background image {See Fig. 4, Element 162 and See Column 8, Lines 38-41, wherein this reads over "Specifically, the purely image processing steps of the invention fundamentally involve first acquiring the original images as digital input signals as indicated in box 162"};

c) receiving a digital image at the server from the client device via the Internet {See Column {See Fig. 1, Element 108};

d) digitally combining at least a portion of the background image, at least a portion of the received digital image, and at least a portion of the foreground image to create a final lenticular composite image {See Fig. 4, Element 166 and Column 8, Lines 41-43, wherein this reads over "the digital input signals are formatted as indicated in box 164 and then merged as indicated in box 166"};

e) printing the final lenticular composite image to produce a printed image {See Column 3, Lines 27-33, wherein this reads over "The merged images are reformatted to fit a wide variety of plastic lenticulated products and are then stored as a special image file or passed along for printing on substrates along with registration lines or on preperforated stock preformatted for use with a corresponding preformatted lenticulated counterpart or correctly sized stock with or without a border and a reference edge"};

f) affixing a lenticular surface to the printed image to produce the lenticular novelty item {See Column 14, Lines 10-13, wherein this reads over "interlaced images

are printed on plain printing sheets, preferably along with alignment lines for cutting, or perforated sheets with the image area defined by the perforations”};

FANTONE teaches all of the elements (a)–(f) with the exception of steps (g) and (h) that of receiving over Internet consumers shipping information and sending the product received to the shipping address as the method of notifying the seller where to send the goods. The examiner takes Official Notice that receiving address information over the Internet and other user/consumer information over the Internet is old and well known established in the business of e-commerce as a convenient way for a consumer to pay for purchased item and have the purchased item sent to the client. It would have been obvious to one having ordinary skill in the art at the time of the invention to have included the step of receiving a client shipping address in purchases made over the Internet or otherwise because the skilled artisan would have recognized that this business practice streamlines the process and saves time spent by a consumer in making purchases and saves the seller time in shipping the product and is clearly applicable to the sale of any type of product. These advantages are well known to those skilled in the art.

As for claim 2, FANTONE discloses a method as defined in claim 1, further comprising the step of transmitting a graphical representation of the final composite image to the client device via the Internet {See Column 6, Lines 39-43, wherein this reads over “final image subassembly 128 may comprise a composite image area along with other areas (developments) which, when folded, provide a packaging sleeve such as those shown in FIGS. 13, 14, 15, and 16”}.

As for claim 3, FANTONE discloses a method as defined in claim 2, wherein the step of transmitting a graphical representation of the final lenticular composite image comprises the step of transmitting data indicative of a plurality of two dimensional frames sequenced to produce a three dimensional illusion representing the final lenticular composite image {See Column 12, Lines 50-54, wherein this reads over "The final image subassembly 128 fits in the recessed flat area 410 with the reference edges of the image subassembly 128 butted against one another for alignment purposes"}.

As for claim 4, FANTONE discloses a method as defined in claim 1, wherein the step of digitally combining comprises the steps of:

retrieving a composite background image {See Column 5, Lines 27-31, wherein this reads over "The source of the original images may be a digital camera 102, a digitizing or rasterizing scanner 104, storage medium such as the floppy disk 106 or the like (e.g. ZIP disk, or CD), or an upstream port such as the Internet indicated at 108"};

retrieving a composite foreground image {See Column 5, Lines 21-27, wherein this reads over "The original images, which may comprise stereographic perspectives, planar images of different scenes or objects, text, corporate logos, computer generated graphics, are preferably acquired in the form of digital input signals formatted as a plurality of image data points corresponding, respectively, to the individual image pixels"};

deleting a portion of the composite background image to create a specialized background image, the portion of the composite background image deleted being dependant on the captured digital image {See Column 5, Lines 63-67, wherein this

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reads over “The output merge file may be formatted in conventionally available formats such as TIFF, PCX, BMP, JPEG, or PostScript for subsequent downstream uses such as storage or to serve as the input to a printing step such as that designated in box 116”};

deleting a portion of the received digital image to create a specialized interior image, the portion of the received digital image deleted being dependant on the composite foreground image {See Column 3, Lines 22-27, wherein this reads over “The special imaging effects, which can be integrated with discrete lenticulated container structures for data storage media and other contents, are achieved by digital resampling original images and then reassembling them through merging procedures as composite special effects images while preserving original image content”}; and

digitally combining the specialized background image, the specialized interior image, and the composite foreground image to create the final lenticular composite image {See Column 6, Lines 44-48, wherein this reads over “Final image subassembly 128 may be combined via an assembly system 130 with any number of pre-designed lenticulated plastic products 132, preferably from a plastic injection molded machine, to form the final display or packaging product designated at 134”}.

As for claim 5, FANTONE discloses a method as defined in claim 1, wherein the identified theme includes an interior image and the step of digitally combining comprises the step of interleaving the portion of the received digital image with the interior image {See Column 6, Lines 44-48, wherein this reads over “Final image subassembly 128 may be combined via an assembly system 130 with any number of pre-designed

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lenticulated plastic products 132, preferably from a plastic injection molded machine, to form the final display or packaging product designated at 134”}.

As for claim 6, FANTONE discloses a method as defined in claim 1, further comprising the step of printing a lenticular registration mark on the printed image, the lenticular registration mark facilitating rotational positioning of the lenticular surface on the printed image and axial positioning of the lenticular surface on the printed image {See Column 8, Lines 23-28, wherein this reads over “In it is necessary to have the printed image 138 reside in the collective focal plane of the lenticulated product area 156 to within tolerances established by the depth of field of the individual cylindrical lenticular lenses and the scale of details within the merged image hardcopy”}.

As for claim 7, FANTONE discloses a method as defined in claim 1, wherein the step of affixing a lenticular surface to the printed image comprises the step of affixing a lenticular surface including an adhesive material exposed by peeling back a cover layer {See Column 3, Lines 27-33, wherein this reads over “The merged images are reformatted to fit a wide variety of plastic lenticulated products and are then stored as a special image file or passed along for printing on substrates along with registration lines or on preperforated stock preformatted for use with a corresponding preformatted lenticulated counterpart or correctly sized stock with or without a border and a reference edge”}.

As for claim 8, FANTONE discloses an apparatus for producing a lenticular novelty item interactively via the Internet, the apparatus comprising:

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- a) a network receiver structured to receive a theme identifier and a digital image, the theme identifier identifying one of a plurality of predetermined themes {See Fig. 1, Element 108};
- b) a memory device operatively coupled to the network receiver, the memory device storing a foreground image, an interior image, and a background image associated with the identified theme {See Fig. 1, Element 114};
- c) an integration module operatively coupled to the network receiver and the memory module, the integration module being structured to combine at least a portion of the background image, at least a portion of the received digital image, at least a portion of the interior image, and at least a portion of the foreground image to create a final lenticular composite image {See Column 5, Lines 32-36, wherein this reads over “the original images may be generated with computer graphics programs, pictorial image processing or rendering programs such as Adobe Photoshop.RTM. or 3D design and animation programs such as Ray Dream Studio 5, or CAD software programs”}; and
- d) a printer driver operatively coupled to the integration module, the printer driver being structured to cause a printer to print the final lenticular composite image {See Column 6, Lines 1-4, wherein this reads over “the printing step of the invention may be implemented via an image setter 118 having an on-board RIP in conjunction with a printing press 120 or via a desktop printer 122 such as a color ink jet or laser printer”}.

As for claim 9, FANTONE discloses an apparatus as defined in claim 8, further comprising an interlacer structured to generate a composite background image and a composite foreground image {See Column 6, Lines 39-43, wherein this reads over “final image subassembly 128 may comprise a composite image area along with other areas (developments) which, when folded, provide a packaging sleeve such as those shown in FIGS. 13, 14, 15, and 16”}.

As for claim 10, FANTONE discloses an apparatus as defined in claim 9, wherein the interlacer is further structured to generate a composite interior image using the received digital image and the interior image stored in the memory device {See Column 12, Lines 50-54, wherein this reads over “The final image subassembly 128 fits in the recessed flat area 410 with the reference edges of the image subassembly 128 butted against one another for alignment purposes”}.

As for claim 11, FANTONE discloses an apparatus as defined in claim 8, wherein the integration module is structured to:

retrieve a composite background image {See Column 5, Lines 27-31, wherein this reads over “The source of the original images may be a digital camera 102, a digitizing or rasterizing scanner 104, storage medium such as the floppy disk 106 or the like (e.g. ZIP disk, or CD), or an upstream port such as the Internet indicated at 108”};

retrieve a composite foreground image {See Column 5, Lines 21-27, wherein this reads over “The original images, which may comprise stereographic perspectives, planar images of different scenes or objects, text, corporate logos, computer generated graphics, are preferably acquired in the form of digital input signals formatted as a

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plurality of image data points corresponding, respectively, to the individual image pixels”};

delete a portion of the composite background image to create a specialized background image, the portion of the composite background image deleted being dependant on the received digital image {See Column 5, Lines 63-67, wherein this reads over “The output merge file may be formatted in conventionally available formats such as TIFF, PCX, BMP, JPEG, or PostScript for subsequent downstream uses such as storage or to serve as the input to a printing step such as that designated in box 116”};

delete a portion of the received digital image to create a specialized interior image, the portion of the received digital image deleted being dependant on the composite foreground image {See Column 3, Lines 22-27, wherein this reads over “The special imaging effects, which can be integrated with discrete lenticulated container structures for data storage media and other contents, are achieved by digital resampling original images and then reassembling them through merging procedures as composite special effects images while preserving original image content”}; and

digitally combine the specialized background image, the specialized interior image, and the composite foreground image to create the final lenticular composite image {See Column 6, Lines 44-48, wherein this reads over “Final image subassembly 128 may be combined via an assembly system 130 with any number of pre-designed lenticulated plastic products 132, preferably from a plastic injection molded machine, to form the final display or packaging product designated at 134”}.

As for claim 12, FANTONE discloses an apparatus as defined in claim 8, wherein the printer driver is structured to print a lenticular registration mark on the final lenticular composite image, the lenticular registration mark facilitating rotational positioning of the lenticular surface on the final lenticular composite image and axial positioning of the lenticular surface on the final lenticular composite image {See Column 8, Lines 23-28, wherein this reads over "In it is necessary to have the printed image 138 reside in the collective focal plane of the lenticulated product area 156 to within tolerances established by the depth of field of the individual cylindrical lenticular lenses and the scale of details within the merged image hardcopy"}.

As for claim 13, FANTONE discloses an apparatus as defined in claim 8, further comprising a network transmitter operatively coupled to the integration module, the network transmitter being structured to transmit a graphical representation of the final lenticular composite image to a client device via the Internet {See Column 6, Lines 44-48, wherein this reads over "Final image subassembly 128 may be combined via an assembly system 130 with any number of pre-designed lenticulated plastic products 132, preferably from a plastic injection molded machine, to form the final display or packaging product designated at 134"}.

As for claim 14, FANTONE discloses an apparatus as defined in claim 13, wherein the graphical representation of the final lenticular composite image comprises data indicative of a plurality of two dimensional frames sequenced to produce a three dimensional illusion {See Column 3, Lines 27-33, wherein this reads over "The merged images are reformatted to fit a wide variety of plastic lenticulated products and are then

stored as a special image file or passed along for printing on substrates along with registration lines or on preperforated stock preformatted for use with a corresponding preformatted lenticulated counterpart or correctly sized stock with or without a border and a reference edge”}.

As for claim 15, which has the same limitations as in claims 1 and 4, respectively, therefore, it is rejected for the similar reasons set forth in claims 1 and 4, respectively.

As for claim 16, which has the same limitation as in claim 2, therefore, it is rejected for the similar reason set forth in claim 2.

As for claim 17, which has the same limitation as in claim 3, therefore, it is rejected for the similar reason set forth in claim 3.

As for claim 18, FANTONE discloses a method as defined in claim 15, further comprising the step of receiving a theme identifier, the theme identifier identifying one of the plurality of predetermined theme choices {See Column 5, Lines 21-27, wherein this reads over “The original images, which may comprise stereographic perspectives, planar images of different scenes or objects, text, corporate logos, computer generated graphics, are preferably acquired in the form of digital input signals formatted as a plurality of image data points corresponding, respectively, to the individual image pixels”}.

As for claim 19, which has the same limitation as in claim 5, therefore, it is rejected for the similar reason set forth in claim 5.

As for claim 20, FANTONE discloses a method as defined in claim 18, wherein a theme identified by the theme identifier includes the composite background image and

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the composite foreground image {See Column 6, Lines 44-48, wherein this reads over "Final image subassembly 128 may be combined via an assembly system 130 with any number of pre-designed lenticulated plastic products 132, preferably from a plastic injection molded machine, to form the final display or packaging product designated at 134"}.

As for claim 21, which has the same limitation as in claim 6, therefore, it is rejected for the similar reason set forth in claim 6.

As for claim 22, which has the same limitation as in claim 7, therefore, it is rejected for the similar reason set forth in claim 7.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

No claims are allowed.

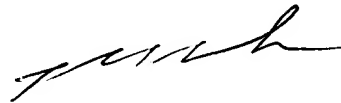
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cang (James) G. Thai whose telephone number is (571) 272-6499. The examiner can normally be reached on 6:30 AM - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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CGT
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